UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Civil Air Regulations Amendment 41-23
Effective: April 22, 1959
Issued: April 17, 1959

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Absence of Flight Crew Members From Their Duty Stations

Section 41.62 provides, in the case of aircraft requiring two or more pilots, that two pilots shall remain at the controls at all times during take-off, landing, and while en route, except when the absence of one is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the airplane. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the airplane. The absence of a flight crew member from his duty station for the performance of such activities reduces unnecessarily the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

The provisions of § 41.62 are therefore being amended by a new § 41.134 to clarify their intention and application. Since the present section refers only to pilots, the new section will also be made applicable to other flight crew members. The present § 41.62 does not expressly require that flight crew members keep their seat belts fastened when at their respective stations, and this provision is being included in the new section. In addition, § 41.62 presently permits the absence of a pilot from his seat when he is replaced by a person "authorized" by § 41.121. It is to be noted that § 41.121 regulates only the admission of persons to the pilot compartment and does not, in fact, authorize any person to replace any flight crew member. The reference to this section is therefore being eliminated.

Accordingly, the provisions of § 41.62 are being amended as indicated above. Amendments to the same effect are simultaneously being made to Parts 40, 42, 46 and 60 of the Civil Air Regulations to provide identical rules for all operations covered by those parts.

The same changes in substantially the same language were previously proposed by the Civil Aeronautics Board, in connection with a revision of Part 41 presently under consideration, as §41.354 of the revision. Notice of the proposed revision was published in the FEDERAL REGISTER on January 7, 1959 (24 F.R. 145), and distributed as Draft Release 58-24. The changes being made to the proposal contained in the Draft Release constitute a clarification and are minor in nature. Although the time for the receipt of comments to Draft Release 58-24 was recently extended to June 1, 1959 (24 F.R. 2500), I find that the provisions of § 41.354 of the Draft Release being incorporated in this amendment are essential for uniform and safe operating procedures; that further delay in the adoption of these provisions would be contrary to the public interest; and that good cause exists to make the amendment effective on less than 30 days' notice in accordance with the provisions of section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended as follows, effective April 22, 1959:

§ 41.62 [Rescission.]

1. Section 41.62 is rescinded.
2. A new § 41.134 is added to read:

§ 41.134 **Flight crew members at controls.**

All required flight crew members when on flight deck duty shall remain at their respective stations while the airplane is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the airplane. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 604, 72 Stat. 775, 778; 49 U.S.C. 1421, 1424)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
Administrator.

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